APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,695	02/02/1999	HISANORI NAKAJIMA	Q53164	7689

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EXAMINER
NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/240,695	NAKAJIMA ET AL.
	Examiner	**Art Unit**	
	Maikhanh Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 July 2005*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-17* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *02 February 1999* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed 07/13/2005 to the

original application filed 02/02/1999.

2.   Claims 1-17 are currently pending in this application. Claims 1, 3, 7, 10-11, 13, and 17

are independent claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of
> this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art
> to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

> This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner
> presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made
> absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention
> dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the
> applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over **Lhotak**

in view of **Tokiwa** "Color Printer", Publication Date 07/1997, as cited by Applicant's

IDS, filed 11/10/2004.

As to independent claim 1:

a.   Lhotak teaches:

(i)   obtaining print data which can be printed by a printing device, and spooling the print data into a predetermined memory *(col.3, lines 36-48)*;

(ii)   converting the spooled print data into a display data of a predetermined structure *(Abstract/ col. 2, lines 16-50 & col.3, lines 11-16)*, and displaying the display data on a displaying device *(col.2, lines 37-56)*;

(iii)   editing the display data which is being displayed *(col.2, lines 46-49)*, on the basis of an edit instruction data which is input at the display *(col.2, lines 46-49/col.5, lines 2-25 & Fig.3, item 36)*.

b.   Lhotak does not specifically teach:

(i)   inversely converting the edited display data into a structure of the spooled print data; and

(ii)   wherein, the display data contains template data that is subjected to the editing, and at least a type and a position of the template are capable of being edited via the editing.

c.   Tokiwa teaches:

(i)   inversely converting the edited display data into a structure of the spooled print data *(the printed data ...after color correction output from the color correction part 22 is, in the data form, converted from the RGB color space to the original CMYK color space; page 6, 2nd para.)*; and

(ii)   wherein, the display data contains template data *(PDL interpreter 14)* that is subjected to the editing, and at least a type and a position of the template

are capable of being edited via the editing *(the data form ... are converted*

from the PDL form) (para.0026).

d.   It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to include the feature from Tokiwa in the system of Lhotak

because it would have provided the capability for processing the low level device

dependent information transmitted from the interpreter and reconstructs it into a

high level object oriented data representation using the information provided by

the marking request.

As to dependent claim 2:

a.   Lhotak does not explicitly teach *"a process of correcting color components*

contained in the display data which is being displayed."

b.   Tokiwa teaches a process of correcting color components contained in the display

data which is being displayed *(Means for Solution; page 1-2)*.

c.   It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to include the feature from Tokiwa in the system of Lhotak

because it would have provided capability for processing the low level device

dependent information transmitted from the interpreter and reconstructs it into a

high level object oriented data representation using the information provided by

the marking request.

As to independent claim 3:

a.   The rejection of independent claim 1 above is incorporated herein in full.

Additionally, claim 3 further recites *"wherein, when the print data consists of*

actual print information based on a print request and added-value information

which is posteriorly added, the step of editing the display data uses only the

added-value information which is being displayed, as an edition object."

b.   Tokiwa teaches wherein, when the print data consists of actual print information

       based on a print request and added-value information which is posteriorly added,

       the step of editing the display data uses only the added-value information which is

       being displayed, as an edition object *(para.0030)*.

c.   It would have been obvious to a person of ordinary skill in the art at the time the

       invention was made to include the feature from Tokiwa in the system of Lhotak

       because it would have provided capability for processing the low level device

       dependent information transmitted from the interpreter and reconstructs it into a

       high level object oriented data representation using the information provided by

       the marking request.

As to dependent claim 4:

a.   Tokiwa teaches the added-value information is a template data which can be

       overlapping printed onto plural allocated pages, the allocated pages being

       allocated to one print sheet, and, when a position of the template data in one of

       the allocated pages is changed, the position change is reflected on the other

       allocated pages *(para.0041)*.

b.   It would have been obvious to a person of ordinary skill in the art at the time the

       invention was made to include the feature from Tokiwa in the system of Lhotak

       because it would have provided capability for processing the low level device

dependent information transmitted from the interpreter and reconstructs it into a high level object oriented data representation using the information provided by the marking request.

As to dependent claim 5:

a. Tokiwa teaches movement of the position of the template data in one of the allocated pages is interlocked with movement of the position of the template data in the other allocated pages *(para.0034)*.

b. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the feature from Tokiwa in the system of Lhotak because it would have provided capability for processing the low level device dependent information transmitted from the interpreter and reconstructs it into a high level object oriented data representation using the information provided by the marking request.

As to dependent claim 6:

a. Tokiwa teaches the added-value information is a template data which can be overlapping printed onto plural allocated pages, the allocated pages being allocated to one print sheet, and the position of the template data in one of the allocated pages is varied depending on whether the page is an odd page or an even page *(para.0030)*.

b. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the feature from Tokiwa in the system of Lhotak because it would have provided capability for processing the low level device

dependent information transmitted from the interpreter and reconstructs it into a

high level object oriented data representation using the information provided by

the marking request.

As to independent claim 7:

a.   The rejection of independent claim 1 above is incorporated herein in full.

Additionally, claim 7 further recites *"editing visually a print data based on a print*

request, wherein the editing means is performed immediately before printing."

b.   Tokiwa teaches editing visually a print data based on a print request, wherein the

editing means is performed immediately before printing *(paras.0024-0025)*.

c.   It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to include the feature from Tokiwa in the system of Lhotak

because it would have provided capability for processing the low level device

dependent information transmitted from the interpreter and reconstructs it into a

high level object oriented data representation using the information provided by

the marking request.

As to dependent claim 8:

a.   Tokiwa teaches object detecting means for detecting an object of a region which

is designated in the display data which is being displayed, and object editing

means for editing contents of the detected object on the basis of an instruction,

and the data editing means edits the display data in the unit of object *(paras.0034*

& 0038).

b.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the feature from Tokiwa in the system of Lhotak because it would have provided capability for processing the low level device dependent information transmitted from the interpreter and reconstructs it into a high level object oriented data representation using the information provided by the marking request.

As to dependent claim 9:

Lhotak teaches the data editing means edits display data which are spooled and converted in a predetermined time period *(col.5, lines 2-25 & Fig.3, items 36-37).*

As to independent claim 10:

It is a computer-readable medium for implementing the method of claim 1 above, and is similarly rejected under the same rationale.

As to dependent claim 11:

a.   It is a computer-readable medium for implementing the method of claim 1 above, and is similarly rejected under the same rationale. Additionally, claim 11 further recites *"the data edit process is a process of detecting an object added to the print data and editing contents of the object on the basis of an instruction."*

b.   Lhotak teaches the data edit process is a process of detecting an object added to the print data and editing contents of the object on the basis of an instruction *(para.0038).*

c.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the feature from Tokiwa in the system of Lhotak

because it would have provided capability for processing the low level device

dependent information transmitted from the interpreter and reconstructs it into a

high level object oriented data representation using the information provided by

the marking request.

As to dependent claims 12-16:

They include the same subject matter as in claims 2-6, and are similarly rejected under

the same rationale.

<u>As to independent claim 17:</u>

The rejection of independent claim 1 above is incorporated herein in full.

Response to Arguments

4.   Applicants' arguments filed on 07/13/2005 have been fully considered but they are not

persuasive.

Applicant argues *the cited references fail to teach or suggest at least a type and a*

position of the template are capable of being edited. (Remarks, page 10, last para.)

In response, *Tokiwa* teaches the newly added limitation at least a type and a position of

the template *(PDL interpreter 14; para.0026)* are capable of being edited *(the data form*

... are converted from the PDL form; para.0026).

Applicant argues *Lhotak and Tokiwa fail to teach editing display data, using only the*

posterioly added information. (Remarks, page 12)

In response, Tokiwa's teachings "*selecting the printed data of the objects of color correction ... executing the color correction based on a color correction function, or replacing the color-corrected data*" (para.0030) meet "editing display data, using only the posterioly added information" as claimed by Applicant.

Applicant argues *that the Examiner applies 'Lhotak', but cites to secondary reference Tokiwa at page 10, para.0038, to provide 'when said data edit is a process of detecting an object added to the print data and editing contents of the object on the basis of an instruction.* (Remarks, page 12)

In response, there was an error. The Examiner intended to use Tokiwa in combination with Lhotak to teach the claim limitations. The motivation for combining the references was provided in the rejection.

Applicant argues that *present claim 11 requires "wherein the data edit process entering an editing instruction, detecting an object added to the print data, and editing contents of the added object on the basis of the editing instruction. "* (Remarks, page 13)

In response, claim 11 does not claim "*wherein the data edit process entering an editing instruction, detecting an object added to the print data, and editing contents of the added object on the basis of the editing instruction*". Tokiwa teaches wherein the data edit process is a process of detecting an object added to the print data, and editing contents of the added object on the basis of the editing instruction (see para.0038) as cited in claim 11.

As to dependent claims 2, 4-6, 8-9, 12, and 14-16, the arguments are not persuasive for

reason as discussed above with regards to independent claims 1, 3, 7, 10-11, 13 and 17.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Sands et al.	U.S. Patent No. 5,634,091	issued: May 27, 1997
Parker et al.	U.S. Patent No. 6,441,919	issued: Aug. 27, 2002
Nishikawa et al.	U.S. Patent No. 6,580,521	issued: Jun. 17, 2003
Sasaki et al.	U.S. Patent No. 6,633,400	issued: Oct. 14, 2003

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-

4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30

pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300..

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

MN

WILLIAM BASHORE
PRIMARY EXAMINER
9/27/2005